IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2162 of 2003

Date of Decision: 21.10.2004

CITY GOLD MEDIA LTD.

Versus

AHMEDABAD ELECTRICITY CO. LTD.

(for full cause title, see next sheet)

Coram:

The Hon'ble Mr.Justice Bhawani Singh, Chief Justice

The Hon'ble Mr.Justice H.K.Rathod, Judge

Wh

Appearance:
1. Special Civil Application No. 2162 of 2003
SINGHI & CO for Petitioner No. 1
MR KB PUJARA for Respondent No. 1

PER: BHAWANI SINGH, CHIEF JUSTICE (ORAL):-

Through this petition, petitioner is seeking the supply of electricity to the premises purchased at auction ordered by the Court. The Ahmedabad Electricity Company Ltd. alleges that it owes dues amounting to

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Whether reporters of Local Papers may be allowed to see the Judgment?

Rs.3,75,62,907.00. Therefore, unless the amount is paid by the petitioner, supply of electricity is not possible.

During the course of hearing, two decisions namely M/s. Isha Marbles v. Bihar State Electricity Board and Anr. [1995 (2) SCC 648] and Ahmedabad Electricity Co. Ltd. versus Gujarat Inns Pvt. Ltd. and Ors. [2004 (2) GLH 691] are brought to the notice of this Court. These decisions clearly hold that the liability cannot be fastened on the auction purchasers/third party. The petitioner is auction purchaser/third party in this case, therefore, Ahmedabad Electricity Co. Ltd. cannot seek recovery of electricity dues from the petitioner. The contention that the property has been purchased subject to all risks would not be applicable in this case in view of the legal position discussed above.

Consequently, petition is allowed. Direction for supply of electricity to the petitioner is issued. It is declared that the petitioner is not liable to pay the said dues to the Ahmedabad Electricity Co. Ltd. Rule is made absolute. No order as to costs.

[BHAWANI SINGH]
CHIEF JUSTICE

[H.K.RATHOD]
JUDGE

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